

ANDOVER BOARD OF HEALTH
Minutes
July 7, 2008, 6 P.M.
1st Floor Conference Room
36 Bartlet Street

The Board of Health meeting was called to order at 6:00 p.m. Present were Dr. Donald H. Miller, Vice-Chairman, Ms. Margaret N. Kruse, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Ms. Candace B. Martin, Chairman, was not present due to illness.

I. Approval of Minutes

- **May 12, 2008**

The Board decided to table the approval of the May 12, 2008 Minutes because Ms. Martin was not in attendance this evening, July 7, 2008, and Dr. Miller was not present at the May 12, 2008 Meeting. The Board will vote on the May 12, 2008 Minutes at the next scheduled Board of Health Meeting on August 18, 2008.

- **June 9, 2008**

Motion by Ms. Kruse, seconded by Dr. Miller to approve the Minutes of the Meeting of June 9, 2008. Unanimous approval.

II. Appointments & Hearings

- N/A

III. Discussion

- **Resignation of Ron Clausen From the Fish Brook Watershed Advisory Committee** – Mr. Carbone informed the Board that Mr. Clausen has decided to resign from the Fish Brook Watershed Advisory Committee. The Board members signed a letter thanking him for his years of service with the Fish Brook Initiative Task Force and then the Fish Brook Watershed Advisory Committee. Mr. Carbone will mail the letter to him.
- **Risk Based Food Inspection** – Mr. Carbone referred to the completed DRAFT from the High School students and told the Board that he and Ms. Patricia Crafts, Health Agent, would be reviewing the proposal. Mr. Carbone was very impressed with the High School students who completed the project and felt that the plan may work well with a few alterations. Ms. Kruse suggested switching Risk Type 3 which deals with serious outbreaks with Risk Type 4 which deals with lax procedures. Mr. Carbone agreed that would be a good idea as well as possibly combining Risk Type 3 and 4, and working within a three-part system. Mr. Carbone will send a thank you letter to the students who participated in the program. Once Mr. Carbone presents a

completed DRAFT, the Board of Health, as well as the State, would have to approve it before it can be implemented.

IV. Old Business

- **Ninety-Nine Restaurant Septic System** – Mr. Carbone informed the Board that the Ninety-Nine Restaurant was open as of Thursday, July 3, 2008 and the system was designed for 113 seats.
- **Society of Friars Septic System** – Mr. Carbone informed the Board that the system has not been completed, but work has started. Mr. Tremblay, Registered Sanitarian, was monitoring the construction.
- **Emergency Plan Discussion** – Mr. Carbone informed the Board that he and Joanne Martel, Assistant Health Director, met with Police Chief Brian Pattullo and Lieutenant Commander James Hashem concerning the Emergency Plan. Fire Chief Mansfield and Town Manager, Buzz Stapczynski, were unable to attend due to a scheduling conflict. The subject of where the Emergency Dispensing Sites should be was an issue and discussion followed. Mr. Carbone was looking into the future purchase of tents through grants for the site instead of using an existing facility, which would offer more flexibility.

V. Subdivision Definitive Plans

- **Merrimack Estates** – Mr. Carbone requested that the Board table the decision until the August 18, 2008 Board of Health Meeting, because the owner has requested an extension.

Motion by Ms. Kruse, seconded by Dr. Miller, to approve the extension to the August 18, 2008 Board of Health Meeting for the Merrimack Estates Definitive Plan. Unanimous approval.

VI. Plan Review

- **D.W.R.P. Variances/Local Upgrade Approvals** - Mr. Carbone recommended approval of the LUA at 6 Mohawk Road to allow the SAS to be 4' above the water table where 5' is required. When asked by Dr. Miller what the environmental impact would be, Mr. Carbone explained that nitrates would be the contaminant of concern, but the shift from 5' to 4' would not make a difference because the added foot of sand in the system would not reduce the nitrates.

Dr. Miller moved to approve, seconded by Ms. Kruse. The Board voted unanimously to approve the following Local Upgrade Approval:

- **6 Mohawk Road – LUA to Allow the SAS to be 4' Above the Water Table where 5' is required.**

Unanimous approval.

A. B.S.I.P. – Ratify:

Ms. Kruse moved to ratify, seconded by Dr. Miller. The Board voted unanimously to ratify the following BSIP:

20	Linda Road	TM	63	TL	31
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Unanimous approval.

C. S.S.A.P – Recommend Approval:

Ms. Kruse moved to approve, seconded by Dr. Miller. The Board voted unanimously to approve the following SSAP's:

20	Linda Road	TM	63	TL	31
174	River Road	TM	166	TL	7
9	Millstone Circle	TM	120	TL	8

Unanimous approval.

D. S.S.U.P.– Recommend Approval:

Ms. Kruse moved to approve, seconded by Dr. Miller. The Board voted unanimously to approve the following SSUP's:

27	Ivana Drive	TM	86	TL	20
35	Ivana Drive	TM	86	TL	20
3	Trevino Circle	TM	87	TL	38

Unanimous approval.

E. B.S.R.P. – Recommend Approval:

- N/A

VII. Staff Reports

A. Director's Report:

- **2 Carriage Hill Road** - Mr. Carbone updated the Board about the situation at 2 Carriage Hill Road. Mr. Carbone consulted with Town Counsel, Thomas Urbelis, to discuss several letters received from the homeowner's son. The homeowner's son requested a meeting with the parties involved and their attorneys. Mr. Urbelis sent a letter in response to suggest meeting dates, but

has not heard back yet. The issue is that the plans do not comply with the code due to the need of a Local Upgrade Approval (LUA); however, Mr. Carbone has explained that an LUA is a common variance, but does put restrictions on the septic system upon sale of the house. Mr. Carbone wrote a letter to the homeowner dealing strictly with the Title V and LUA issues and requesting new plans. As of this date, no new plans have been filed with the Health Division.

- **Beavers - I-93** – Mr. Carbone explained that there is a lot of water accumulating because a drain pipe to the Fish Brook side is blocked. Mass Highway Department needs to open the culvert, but there is an issue with arsenic that is in the wetlands sediment, and if the water is released too quickly, the arsenic could migrate into Fish Brook. Brett Loosian from Mass Highway has sent divers down to try to lower the water level slowly, but hasn't had much luck. Our goal is to have the water removed a little at a time so that the arsenic will not migrate into Fish Brook.
- **Casco Crossing Pool** - Mr. Carbone explained that there were no permits issued when this pool was put in and attempts to get viable plans have been difficult. The developers incorrectly thought that since this was a Chapter 40B Project, they did not have to comply with the regulations. The plans that were submitted on June 4, 2008 were disapproved, and Mr. Carbone mailed a letter informing the owners of what was needed for compliance.
- **NEHA Conference** – Mr. Carbone spent a week in Arizona at the NEHA Conference, and came back with some great information and actions that he would like to have integrated into our operations in Andover.
- **Administrative Hearings (Not on Agenda)**
 - **My Brothers Place** - Mr. Carbone informed the Board that this establishment had several violations as well as four repeat violations that have been reoccurring during the past several inspections. The refrigerator and freezer may have to be replaced, although the owner felt that he could just replace the gasket. Mr. Carbone supplied pictures to the Board of Health. At this time, this data was for informational purposes only.
 - **The Grocery Bag** - Mr. Carbone informed the Board that this establishment had several repeat violations such as improper storage, no gloves, and poor temperatures.

- **Important Dates:**

- August 9th – 17th – Director's Vacation
- August 18th @ 6 p.m. – BOH Meeting
- September 15th @ 6 p.m. – BOH Meeting
- September 16th @ 7 p.m. – FBWAC Meeting

B. Nurses' Report for June, 2008 – The Nurses Report was for informational purposes only.

C. Inspectors' Reports for June, 2008 – The Inspectors' Reports were for informational purposes only.

VIII. Board Member Reports:

- **Stop It Goaltending Camp** – Mr. Carbone informed the Board that he met with the Director of the camp and worked out the hours so that the program would not be considered a camp. The program will be running three week consecutive sessions, cutting back one week to two-hour sessions.
- **Drinking Water Quality Report** – The Board reviewed the Water Quality Report which rated the drinking water quality in Andover as high with no violations of “maximum contaminant levels or any other water quality standard.” Ms. Kruse did point out that a section of the report stated that “Andover was assigned a high susceptibility ranking based on the presence of at least one high threat land use within the water supply protection areas”, but did not say where the threat existed. However, the report did say that the threat was there only as a potential liability.

IX. Adjournment

Motion by Ms. Kruse, seconded by Dr. Miller, to adjourn at 6:41 p.m. Unanimous approval.